



MONTHLY HIGHLIGHTS

**NOAA
NATIONAL MARINE FISHERIES SERVICE
NORTHEAST REGION
HABITAT CONSERVATION DIVISION**

September 2004

GLOUCESTER, MA OFFICE, ONE BLACKBURN DRIVE, GLOUCESTER, MA 01930

SACO RIVER SETTLEMENT NEGOTIATIONS IN PROGRESS

The Saco River Coordinating Committee (SRCC) and the hydro-developer FPL Energy Maine Hydro, LLC (FPLE) have begun talks that may lead to ways that would avoid or minimize impacts at hydroelectric dams on the Saco River. The SRCC is made up of state and federal resource agency staff and non-government conservation organizations, including NOAA Fisheries, US Fish and Wildlife Service, Atlantic Salmon Commission, Maine Department of Marine Resources, Maine Department of Inland Fish and Wildlife, Saco River Salmon Club, Trout Unlimited, and American Rivers. The general concurrence by SRCC members was that attempting to improve the current situation is well worth the effort.

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JAMES J. HOWARD MARINE SCIENCES LABORATORY, HIGHLANDS, NJ 07732

NEPTUNE REGIONAL TRANSMISSION SERVICE, LLC.

Neptune Regional Transmission Service, LLC. proposes to install a submarine electric cable system connecting the First Energy, Inc. Raritan Substation in Sayreville, New Jersey to the Long Island Power Authority Substation in Hempstead, New York. The supplemental public notice describes modifications to an original proposal including changes to the landfall location in New York, increases in the dredging across the federal navigation channels. NOAA Fisheries recommended that the Army Corps of Engineers (ACOE) not authorize the proposed project due to substantial and unacceptable impacts on aquatic resources of national importance. This recommendation was based upon the significant increase in dredging and the lack of information on the proposed modifications and their need, the insufficient essential fish habitat assessment for the modifications, and the need to reinitiate consultation under Section 7 of the Endangered Species Act. (Karen.Greene@noaa.gov, 732/ 872-3023; Diane.Rusanowsky@noaa.gov, 203/ 882-6504; or Stanley.W.Gorski@noaa.gov, 732/ 872-3037)

FD&P ENTERPRISES, INC.

FD&P Enterprises, Inc. was issued a Department of the Army permit in 1999 to fill 53.5 acres of wetlands adjacent to Penhorn Creek, a tributary to the Hackensack River in Jersey City, Hudson County, New Jersey. A recent notice sought modifications of the permit which generated comments on the reevaluation of the several issues raised by the U.S. Fish and Wildlife Service (USFWS), the U.S. Environmental Protection Agency (USEPA), and litigants in a recently filed lawsuit. The notice does not specify how or if the comments will affect the issued permit. Issues raised: a) that the environmental assessment of the permit modifications was incomplete; b) the elimination of the railroad track on the FD&P site could have reduced the footprint of the project or lead to the selections of an alternate site; c) this type of dredged material should not be used as fill; d) mitigation agreed to upon settlement of earlier litigation is inadequate; e) an increased volume of fill material that may have adverse effects, for example, on flood storage and capacity; and f) that FD&P is not in compliance with the conditions of its state authorizations incorporated into its Department of the Army Permit. (Karen.Greene@noaa.gov, 732/ 872-3023 or Stanley.W.Gorski@noaa.gov, 732/ 872-3037)

MEADOWLANDS MILLS-MACK CALI LIMITED PARTNERSHIP - XANADU

An ACOE public notice is under review for a proposal by Meadowlands Mills and Mack-Cali Limited Partnership to fill 7.6 acres of waters of the United States including wetlands to construct a mixed-use commercial development on the New Jersey Sports and Exposition Authority (NJSEA) property surrounding the Continental Airlines Arena site in East Rutherford, Bergen County, New Jersey. The project, known as Xanadu, includes 2.7 million square feet (sf) of entertainment/retail space, four office buildings of 400,000 sf each, a 520-room hotel and conference center totaling 500,000 sf, and a 6,000 to 8,000 seat minor league baseball park, as well as various associated roadway improvements. This project essentially replaces the highly controversial Meadowlands Mills project on the adjacent Empire Tract.

As currently proposed, the applicant plans to preserve a 235-acre portion of the adjacent Empire Tract as compensatory mitigation for the wetlands fill. (Karen.Greene@noaa.gov, 732/ 872 3023 or Stanley.W.Gorski@noaa.gov, 732/ 872-3037)

WINTER'S MARINA

G. Winter's Sailing, Inc. met with state and federal staff to discuss authorization for maintenance dredging and reconfiguration of floating docks at the marina in Dredge Harbor on the Delaware River, in Delran, Burlington Township, New Jersey. Approximately 20,000 cubic yards of dredged material affecting habitat would be placed at the existing six-acre Confined Disposal Facility (CDF), adjacent to the marina. Clark's Landing, a separate marina adjacent to Winter's Marina, expressed a need to dredge at the same time. More details of the site are being sought in order to evaluate the potential impacts on habitat. (anita.riportella@noaa.gov, 732/ 872-3116)

CAMDEN NORTHERN TERMINAL FERRY

The Delaware River Port Authority (DRPA) met with state and federal staff to discuss the construction of a berthing platform with decks, a ticketing kiosk, and waiting area on the Delaware River in Camden, New Jersey to service the Camden waterfront passage to Penn's Landing in PA. Issues about the rationale of non-water dependent aspects of the project and the

.5 acres of impacts on Delaware River habitat were discussed. A berthing platform consisting of a barge held in place by steel guide piles and timber pile clusters are proposed. Since wild celery grass beds are known to exist in the area, a survey will be needed to clarify the issue. There are no provisions in the state rules for a commercial pier to be constructed in submerged aquatic vegetated areas, such as wild celery grass beds. (anita.riportella@noaa.gov, 732/ 872-3116)

LAKES BAY WATERFRONT DEVELOPMENT

The City of Pleasantville representatives met with state and federal staff to discuss a mixed-use redevelopment (residential, commercial, and recreational waterfront) project adjacent to Lakes Bay in Pleasantville, Atlantic County, NJ. Shellfish habitat and coastal wetlands would be impacted by the proposed project; therefore, there is a need to investigate alternative sites outside of these special aquatic sites before the proposed plan can be considered.

(anita.riportella@noaa.gov, 732/ 872-3116)

MILFORD, CT OFFICE, 212 ROGERS AVENUE, MILFORD, CT 06460

DREDGING PROPOSED FOR NAVAL SUBMARINE HOMEPORT

The US Navy is pursuing improvements to their berthing area for submarines at the Naval Homeport at Groton, CT. The proposal would use a Contained Aquatic Disposal Site cell in the Thames River as a repository for dredged sediments. Efficiencies have been built into this project that deal with municipal needs and resource conservation. The applicant has expressed a willingness to schedule the project in such a manner as to make the river bed sediments available for use in projects throughout the area. By combining project objectives and needs, the net benefits are extended to small and moderate sized dredging projects that have been awaiting the availability of material deemed suitable for unrestricted open water disposal as defined under the Clean Water and Marine Protection, Research and Sanctuaries Acts. In doing so, the Navy has developed their proposal in such a manner as to avoid the most sensitive ecological periods and still attain their objectives, which protects the unique value of the Thames River as a spawning and nursery habitat for managed species. (Michael.Ludwig@noaa.gov, 203/ 882-6504)

CROSS-HUDSON FERRY SERVICE PROPOSED

An application to the New York District, ACOE to install structures to facilitate operation of a commercial ferry operation between the City of Newburgh (Orange County) and the City of Beacon (Dutchess County), New York has been proposed. Staff from the Milford Field Office will review and comment on the Essential Fish Habitat and Fish and Wildlife Coordination Act aspects of the project by mid-October. (Diane.Rusanowsky@noaa.gov, 203/ 882-6504)

MARICULTURE UNLIMITED UPDATE

After a protracted period of negotiations, the application by Mariculture Unlimited has been withdrawn. The proposal to long-line culture shellfish in the waters off Westport and Milford, Connecticut was complicated by a number of operational and conceptual conditions that made the proposal problematic. Continued negotiations among the parties failed to find a mutually acceptable solution to the conflicts. Special note must be made of Dave Carey's efforts (CT

Dept. of Agriculture) to seek a workable solution. In the end, the potential for developing an economically sustainable operation without sufficient proof that it could be environmentally compatible were the unresolved issues. (Michael.Ludwig@noaa.gov, 203/ 882-6504)

CROSS HARBOR FREIGHT TUNNEL DEIS UPDATE

NOAA Fisheries staff completed their review and provided comments on the draft environmental impact statement (DEIS) for the Cross Harbor freight tunnel project, which includes a freight rail tunnel and appurtenant facilities proposed by the New York City Economic Development Corporation. (Karen.Greene@noaa.gov, 732/ 872-3023; Diane.Rusanowsky@noaa.gov, 203/ 882-6504)

EASTCHESTER EXTENSION PROJECT UPDATE

Staff at the Milford Field Office will be reviewing the results of a post-construction, multi-beam survey of the marine portion of Iroquois Gas Transmission System's Eastchester Extension Project. The subject survey was one of the special permit conditions for this natural gas transmission project between the north shore of Long Island and The Bronx, New York. If warranted, remedial measures will be prescribed to address benthic impacts that remain post-construction. (Diane.Rusanowsky@noaa.gov, 203/ 882-6504)

ACCESS TO REGION'S CORE UPDATE

New Jersey Transit continues to hold technical advisory committee meetings for the process that will lead to preparation of a DEIS for the "Access to the Region's Core" initiative, a joint partnership of New Jersey Transit and the Port Authority of New York and New Jersey. This regional transportation project features potential expansion of commuter rail service (*e.g.*, new rail tunnels and stations) and related infrastructure east and west of the Hudson River. While other generic transportation features are being considered in this initiative, the main project focus is expanding trans-Hudson capacity to midtown Manhattan. (Karen.Greene@noaa.gov, 732/ 872-3023; Diane.Rusanowsky@noaa.gov, 203/ 882-6504)

OXFORD, MD OFFICE, 904 SOUTH MORRIS STREET, OXFORD, MD 21654

ARMY CREEK RESTORATION

After many months of inactivity, the Trustee Council for the Army Creek Superfund Site met to discuss potential restoration options. Concern had been expressed previously that inflation may have defrayed settlement funds to the point that the restoration plan designed in 1996 may not be able to be implemented. Preliminary analysis indicates that sufficient funds exist to implement the restoration plan, with the exception of purchasing upland buffer areas. However, the purchase of uplands was planned with grant monies other than settlement funds, so the basic restoration appears unaffected. Further refinement of the economic analysis is in-progress. Successful implementation of the Army Creek plan will result in the restoration of 225 acres of tidal wetlands and 2.5 miles of tidal stream in the Delaware River Basin. (Tim.Goodger@noaa.gov, 410/ 226-5606)

SUBMERGED AQUATIC VEGETATION (SAV) RESTORATION IN CHESAPEAKE

BAY

A goal of the 2000 Chesapeake Bay Agreement is to restore 114,000 acres of SAV by 2010. Restoration will be accomplished through a combination of attaining specific water clarity goals and planting. Historically, SAV planting was a tedious, labor intensive practice. However, the use of mechanical harvesters has greatly facilitated seed collection. Approximately 36.5 million seeds were collected and redistributed in both Maryland and Virginia in 2004. Work has been initiated to construct a mechanical seed broadcaster which will further facilitate the program. (**Tim.Goodger@noaa.gov**, 410/ 226-5606)

ROUTE 113, DELAWARE

The Route 113 Corridor preservation study continues with emphasis on improving traffic flow while minimizing disturbance to natural and cultural resources. To accomplish these goals, on-alignment improvements are being thoroughly investigated along each highway segment. Constructing new frontage and service roads to relieve congestion of local traffic while maintaining access to local businesses is part of the approach. Another part of the solution is adding lanes in the existing median and eliminating specific traffic light controlled intersections to relieve congestion of through traffic. Such modifications require the purchase of property, development rights, and access rights. (**Tim.Goodger@noaa.gov**, 410/ 226-5606)